

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBERT EARL CLAYBORNE JR., )

Plaintiff, )

V. )

TECUMSEH DEPARTMENT OF )  
CORRECTIONS, et al., )

Defendants. )

8:15CV198

**MEMORANDUM AND ORDER**

Plaintiff has filed a Motion (Filing No. [30](#)) seeking the appointment of counsel. The Court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel[.]” [Id.](#) (internal citation and quotation marks omitted). No such benefit is apparent here at this time. Thus, the request for the appointment of counsel will be denied without prejudice to reassertion.

IT IS THEREFORE ORDERED that Plaintiff’s Motion to Appoint Counsel (Filing No. [30](#)) is denied without prejudice to reassertion.

DATED this 9<sup>th</sup> day of March, 2016.

BY THE COURT:

*s/ Richard G. Kopf*

Senior United States District Judge